

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

PROGRESSIVE PREFERRED)
INSURANCE COMPANY,)
)
Plaintiff,)
)
v.) Civil Action Number: 3:06-CV-00934
)
JMP ENTERPRISES, INC.;)
JOHN MARK PARKER; and)
JENNIFER M. GOLDEN,)
)
Defendants.)

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on March 19, 2007 at the office of Jennifer Golden's attorney in Wetumpka and was attended by:

Larry Bradford for plaintiff, Progressive Preferred Insurance Company;

G. Houston Howard, II, for defendant, Jennifer M. Golden.

JMP Enterprises, Inc. has not filed an answer to the complaint by a licensed attorney and it did not participate in the planning meeting. Further, John Mark Parker who is a pro se defendant did not participate in the meeting although he was notified of it in writing and by telephone.

2. Pre-discovery Disclosures. The parties will exchange by April 15, 2007 the information required by Fed.R.Civ.P. 26(a)(1).

3. Discovery Plan. The parties participating in the planning meeting propose to the court the following discovery plan:

A. Discovery will be needed on the scope of coverage under the Progressive policy issued to JMP Enterprises, Inc. and the application of that coverage to the allegations of the underlying state court case.

B. Disclosure or discovery of electronically stored information shall be produced the same as with non-electronically stored information to the extent that information is readily available.

C. The parties participating in the planning meeting have agreed to an order regarding claims of privilege or protection as trial preparation material asserted after production as follows: All materials are deemed to be confidential until the court rules otherwise. The materials can be provided to parties and their experts.

D. All discovery commenced in time to be completed by July 15, 2007.

E. Maximum of 40 interrogatories by each party to any other party.

F. Maximum of 40 requests for admission by each party to any other party.

G. Maximum of four depositions by each party. The parties participating in the planning meeting have agreed, however, that all depositions taken in the underlying state court case can be used in this federal declaratory judgment action to the extent that they are otherwise admissible.

H. Each deposition shall be limited to a maximum of four hours unless extended by agreement of the parties.

I. Reports from retained experts under Rule 26(a)(2) due:
from plaintiff by May 15, 2007;
from defendants by June 15, 2007.

Supplementations under Rule 26(e) due August 1, 2007.

4. Other Items.

A. The parties do not request a conference with the court before entry of the scheduling order.

B. The parties request a pretrial conference in September 2007.

C. The plaintiff shall be allowed until April 15, 2007 to adjoin additional parties and amend the pleadings.

D. Defendants shall be allowed until May 15, 2007 to adjoin additional parties and amend the pleadings.

E. All potentially dispositive motions shall be filed by August 1, 2007.

F. Settlement cannot be evaluated prior to completion of discovery, although the parties have agreed to mediate this case in connection with mediation of the underlying state court case.

G. Final lists of witnesses and exhibits under Rule 26(a)(3) shall be due from plaintiff at least 60 days before trial; from defendants at least 45 days before trial.

H. Parties shall have ten days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

I. The case shall be ready for trial by October 2007 and at this time is expected to take approximately two days to try. The parties anticipate, however, that they will file cross-motions for summary judgment before trial which may resolve the coverage issues.

Date: March 19, 2007.

/s/R. Larry Bradford

R. Larry Bradford, Counsel for Plaintiff
Progressive Preferred Insurance Company
Attorney Bar Code: BRA039

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/s/Houston Howard

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